IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

Bail Appl..No. 1603 of 2007()

Crime No.71/03 of Manjeshwar Police Station

: PETITIONER/ACCUSED NO.13

RIYAS, S/O SHAIK AHAMMED,
MAJAL, ULLALA,
KASARAGODE.

BY ADV. SRI.SOJAN MICHEAL

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA(CRIME NO.71/03 OF
MANJESHWAR POLICE STATION)
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1603 OF 2007 A

Dated this the 16th day of March, 2007

O R D E R

Petitioner, who is the 13th accused in Crime No.71/03 of Manjeshwar Police Station for offences punishable under sections 143, 147, 148, 353 and 506(ii) read with sections 149 IPC, seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in C.C.No.389/03 on the file of the CJM, Kasaragod, the case against him was split up and refiled as C.C.No.672/06. It was transferred to the Long Pending Register as L.P.C.No.192/06. Non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the CJM, Kasaragod and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed, after examining the explanation offered by the petitioner for his previous non-appearance and also after considering his contention that the co-accused in the case has been acquitted after trial.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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